

TOWN COUNCIL MEETING OF AUGUST 21, 2012

Under the Rules and Procedures of the Winthrop Town Council, President Gill called the Town Council Meeting to order at 7:00 PM in the Harvey Hearing Room.

PLEDGE OF ALLEGIANCE

Councilor Boncore led the Pledge of Allegiance.

ROLL CALL

Councilor DelVento-	Present
Councilor Powers-	Present
Councilor Letterie-	Absent
Councilor Boncore-	Present
Councilor Sanford-	Present
Councilor Calla-	Present
Councilor Mael	Present
Vice President Varone-	Present
Council President Gill-	Present

Citations:

Tom Greenfield-Former Town Employee (Building Department)
100th Birthday-August 12, 1912

Retirees:

DPW-

Richard Craft,	8-31-12, DPW, 34 Years
Francis Daloia,	3-30-12, DPW, 22 Years and 11 Months
Robert Lindquist,	9-28-12, DPW, 25 years and 7 Months
John Powell,	6-13-12, DPW, 14 Years and 10 Months

TOWN HALL-

Eileen Nicewicz,	6-30-12, Assistant Collector, 13 Years and 1 Month
Judith Walsh,	7-31-12, Assistant Treasurer, 27 Years and 7 Months
Collette Westphal,	6-30-12, Clerk-Assessors Office, 18 years and 9 Months

MINUTES

Councilor Varone made a motion to accept the Minutes August 7, 2012.

Councilor Calla has questions and would like to make a correction to minutes in reference to the ad hoc committee for the Golf Club. Council will postpone accepting Minutes of 8-7-12 to next meeting.

PUBLIC HEARING

Transfer of Funds-School Building Assistance Committee Request

Town Manager McKenna introduces the co-chairs school committee-building project.

Presentation of Request is made for feasibility funding by Marylou Osborne and Dave Dockendorf.

Superintendent Macero makes comment on funding and explains, at this time, 54% of final invoices are available for reimbursement. A total of 61%-62% could possibly be reimbursed at end of project.

Councilor DelVento states the balance left in the Sale of Land Account is \$988,545.00

PUBLIC COMMENT

Guy Brandenstein of Trident Ave., has concerns about the recent and the Ferry Building being closed and is the council looking into who is responsible for additional cost. The townspeople should not have to pay. Also wants Casino Council to consider a referendum on ballot to include townspeople opinion of the Casinos.

Thomas McNiff requests referendum vote be allowed by Town Council in reference to Casino.

Matt Marano requests referendum vote on Casino.

David Reynolds notes increase in traffic and crime due to Casino.

Heather Engman requests referendum vote on Casino, Gaming Commission must acknowledge.

President Gill acknowledges letters received and all Public Comments on all issues.

CORRESPONDENCE

President Gill acknowledges letters received to him personally, town council and both, of concerns and input of townspeople.

Letter from the president of the Belle Isle Marsh there will be a ceremony recognizing the completion of the Short Beach Project and Belle Isle on August 29, 2012 10:00

August 25, 2012 dedication of the John Kilmartin Walkway dedication 8-29-12 at 10:00 a.m.

President Gill notified Council and Public of a Fundraiser to be held August 30, 2012 7-10 PM at the WYC for the Johnson Family whose home was recently damaged by fire.

COMMITTEE REPORTS

Councilor DelVento reports Finance Committee met on August 16, 2012 several members of council members involved as well as many concerns residents attended.

Ferry Building – Outcome- Recommendation of approval of funds of \$14,000.00.

Discussion of having an investigation as to what happened requiring this request of \$14,000.00.

Appropriation for feasibility/planning contract by School Building Assistance Committee be approved for \$310,000.00 and Transferred from the Sale of Land Account to the School Building Assistance Committee Fund. Amendment to this is that any reimbursable funds will be re-deposited to the Sale of Land Account.

Councilor Powers reports Casino Committee had meeting on August 15, 2012 and invited the Chamber of Commerce to next Casino Meeting for their input. Still awaiting input from Chamber and acknowledges citizens issues on the Casino brining in crime, traffic and housing. Will be scheduling meeting within next couple of weeks.

Councilor Varone reports DPW Committee met on August 20, 2012 several council members attended as well as DPW Director Steve Calla. Phase I progression on streets, drainage and needs on certain roads. Sections not included in original plan will be done “in house”. Entire project \$965,000.00 which came out of Chapter 90 Funds, \$532,000 encumbered, the remaining \$460,000 will come out of next years Chapter 90 Funds. DPW Director Steve Calla explains in detail work being done in areas of town as progressing. Reiterates that 95% of Walden Street will be done prior to beginning of school.

Councilor Varone explains Chapter 90 discussion of Point Shirley drainage problem on hold. We are matching \$73,000.00 to FEMA in hopes of the town receiving a grant.

Winthrop Street Project going back and forth the about Bond Appropriate Bill of having a Tip Project of \$358,000.00 needed. \$140,000.00 (25 %+) of overall design work would have to be completed by Feb. 2013. Wants to get more information to see if the entire Tip Project Amount of \$358,000.00 would be available.

Question by Councilor Boncore about a crushed drainage pipe and cleaning up cemetery.

Councilor DelVento has question on Tafts Ave Project. Town Manager McKenna explains it is a funding problem. Chapter 90 Funds are being appropriated to Walden St. Project for completion. Once this is complete the next project can begin. As funds replenishes, all financial obligations will be secured and projects completed.

Is it possible to take money from different accounts? Town Manager McKenna would like to look into this.

Councilor Powers asks DPW Director Steve Calla of Tafts Ave. Project funding.

Councilor Boncore informs of a meeting of the Rules and Ordinance Committee August 28, 2012 at 7:00 p.m at the Harvey Hearing Room.

TOWN MANAGER'S REPORT

Town Manager McKenna is happy to report the Ferry Terminal Building is open and operating. Have received relief from State and has an occupancy permit.

Repair work is now under way, project will be handled and lessons have been learned.

Please refer to Packet note about ridership that Ferry service has seen uptake of about 20% up to July 2012. He feels another 10% increase in rider ship by next year.

Seeking additional input from the Harbor Management Committee and the Council going forward to make Ferry successful.

Dalrymple school got additional funding from state. All pieces in place. Project should begin shortly. No exact date given but Town Manager's Office is pushing to move forward.

Regional Health Study. Please read as to how this study reflects our community. Very important information included. Conference will be held this fall with three communities (Chelsea, Revere, and Winthrop). Each community will be looking at substance abuse challenges in each community. Looking to obtain funding for Regional Health Study.

Asks that Sub Committee on Public Health take this report and look into it.

Temple Project still going forward. Applying for State for funding. It has been secured.

Hospital Project submitted plans to the Managers office as well as a site plan review which will happen some time next week. Dept. Managers will go over in detail and recommend varies systems, environmental and construction detail. Will be sent to Planning Board with regard to any permits being issued.

Town Manager McKenna will be taking a couple of days off and has appointed Chief Flanagan to be his replacement.

Councilor Powers wants Health Study to be posted on Town Website.

Councilor Mael comments on how important it is to read the Regional Health Study. Comments on ice selling at Ferry and also parking tickets. Vendors are still being solicited by town for Landing.

Councilor Mael comments on Town of Milford's immigration law passed. Would we be interested?

Councilor Mael commented that a friend in Maine is using their dump for bottle returns on particular weekends. Would this be something Winthrop would be interested in.

Councilor Powers, in reference to Town of Milford, seems be redundant since you have to complete and check that you are already a citizen to work for the town.

President Gill requests an update on personnel changes since Jan. 2012 and progress on filling vacancies.

OLD BUSINESS

Motion by the Finance Committee To transfer \$14,000 from Town Council Reserve or other sources of funds to the Ferry Terminal Capital Account #5095-520000 for the purpose of remedial repairs to the walks to make them compliant with the State Access Code; or any other action relative thereto. No second needed for Motions coming out of committee.

Councilor DelVento motions to amend to Change the words "Town Council Reserve of other source of funds" to read "Sale of Land Account" and add at the end of the original motion "Any monies not paid of recovered from the designer for errors and omissions, as well as the project contractor for contract non-compliance shall be re-deposited into the sale of land account".

2nd by Councilor Sanford

Amendment passed unanimously

Main Motion as Amended Passed unanimously

NEW BUSINESS

License Agreement for Parking etc...at 235 Court Rd.-Referral to Rules and Ordinance Committee to review a lease on behalf of property owners to use land for parking. Allows owner to use land for parking, yet owners still understand the land belongs to the town and can be used for public use. (See Town Managers Report). Town Manager McKenna wants this issue to be referred to the Sub Committee of the Rules and Ordinance.

Councilor Boncore states lease that is signed by all council members is due to the 10year lease. Town Manager McKenna states he can only sign a 3 yr. lease

Councilor Sanford Motions to refer this matter to the Sub Committee of the Rules and Ordinance giving Rules and Ordinance the Authority to approve.

2nd. by Councilor Powers

Passed Unanimously

Transfer of Funds School Building Assistance Committee (See Attached Motion)

Councilor Powers motions that That the sum of \$310,000 be transferred from the Sale of Land Account to the Special Revenue Account # 8524-497200 for the purpose of funding remaining contract balance for the design services for the feasibility of renovations or reconstruction of a new High School and /or High School / Middle School complex; or any other action relative thereto.

No second needed for Finance Motions.

No Discussion all in Favor

Councilor DelVento motions to amend and add the words “any monies reimbursed from the MSBA for planning and/or design shall be re-deposited into the account from which they were drawn”.

2nd by Councilor Boncore

Amendment passed unanimously

Main motion as amended passed unanimously

Councilor DelVento motions that the Council conduct an investigation into the cause of the Ferry Terminal ADA Compliance issue as per Section 2-7 of the Charter and in public forum as dictated by Open Meeting Law.

No second needed for Motions coming from committee

Discussion by Councilor Boncore to Councilor DelVento requesting the investigation be done by the Sub Committee of the Rules and Ordinance. Councilor Boncore does not believe the Sub Committee has the “expertise” to conduct an investigation. Councilor DelVento explains that at this time council could at least start finding out what happened. Councilor Boncore thinks legally it might cost more than the \$14,000.00 already funded for the Ferry Terminal. Councilor Powers agrees with Boncore but also believes whoever council decides to investigate will know at some point if it will come to a complete investigation and experts are needed. Councilor Calla mentions Errors and Omissions on the part of the Ferry Terminal Contractors and they might just settle.

Town Manager McKenna suggests the sub committee to investigate this issue should be the Sub Committee of the Public Works as they are more involved with construction.

Councilor Calla wants to call in the original contractor who oversaw project.

Councilor DelVento has no opposition to any questions, he just wants to get this done.

Councilor Boncore wants this done administratively; it doesn’t make sense to involve council.

Town Manager McKenna has appointed an auditor to look into the financing of the Ferry Terminal Building. He expects in the next few weeks the audit to be completed and report will be issued to council. Issue to liability/design error; he can ask town Attorneys to send contractor’s letters as to Ferry Building Terminal Project.

Councilor Mael motions to table indefinitely the motion until report issued by Town Manager and see what report claims.

2nd. Councilor Varone

No Discussion

Passed Unanimously

Town Clerk Compensation (See Attached Motion)

Councilor DelVento motions that the Town Council review the current salary and set FY 2013 salary and compensation for Town Clerk as per Section 2-8 (e) of the Winthrop Town Charter.

2nd. Councilor Powers

Discussion by Councilor DelVento requires salary to be voted by Town Council. There has been no review to town clerk salary for several years.

Passed Unanimously

Casino Referendum Concept (See Attached Motion)

Councilor Mael motions to ask the Town Council to discuss the concept of providing the residents of the Town of Winthrop with a vote, referendum or other type of forum to express their views on the development of the Suffolk Downs Casino.

2nd by Councilor Vice President Varone

Discussion-Councilor Calla has received letters from her constituents concerning this motion. She feels if it is the will of the people to ask for a referendum vote, it should be considered but we have to also look at cost. Councilor Calla feels everyone should feel comfortable with their vote, whether survey or vote.

Councilor Boncore questions that the motion is for discussion only?

Councilor Mael agrees with Councilor Calla, and acknowledges this motion is for discussion. Can we have vote, what is the cost, do we want to provide to town with the knowledge knowing it may have no effect on what the town votes for.

Councilor Powers agrees with vote but wants to make sure the entire town is involved.

Discussion on vote, it cannot be put on ballot by November. Crowd displeased, cannot believe it cannot get on ballot. It is explained, Presidential election vs Municipality Vote etc....

Councilor Mael reiterates that this Casino discussion does not affect the community wanting a vote.

APPOINTMENTS

Grants Manager by Town Manager McKenna-Offered Position to Joseph Domelowicz

Town Manager McKenna has chosen Dale Dunbar for Rink Manager for the 2012-2013 season.

Parks Committee by Council President Gill-Appointed the following:

Regular Members:

Carlos Brussa	June 30, 2013
Barbara Duffy	June 30, 2013
AnneMarie Murray	June 30, 2013
Joseph Skoczylas	June 30, 2013
Dawn Sullivan	June 30, 2013

Associate Members:

Linda Brassard	June 30, 2013
Dawn Manning	June 30, 2013

Ex-officio:

*Steve Calla (DPW)
*Sean Driscoll (Parks & Rec)

* Or Designee

Councilor President asks the council to allow one (1) vote on these appointees.

Council agrees on one (1) vote:

1st. Councilor Boncore

2nd. Councilor Sanford

Passed Unanimously

Councilor Letterie- Absent

PUBLIC COMMENT

Tom Honan- Sent timely application to be added to Parks Committee. Application was not considered for appointment due to oversight.

Thomas McNiff- Regarding Casino Vote for community; he does not understand why vote cannot be put on ballot in November.

Jean Maggio- She was involved with a survey with Councilor Calla in the past and though close to 18,000 surveys were mailed only 2,000 replied. Need a vote, not survey. Does not understand why it just cannot be typed on ballot?

Guy Brandenstein- November ballots have not been printed, why can't this vote be put on this ballot?

David Brown- Question on survey vs. vote.

Councilor DelVento explains that this vote cannot just be typed on ballot. There are Massachusetts Laws and time frames.

Councilor Mael reads Local Elections Section 18A explaining vote.

Councilor DelVento on Municipal Election vs. Presidential Election.

Matt Marano-Believes we can do Special Election Vote anytime.

Michale Hower-Nothing should prevent town from Special Vote.

Chief Delahanty-Explains Web site issue.

President Council Gill explains Public Comment vs. Questions but answers question on Parks Committee and why people were appointed so neighborhoods could be involved in their neighborhood parks.

Councilor DelVento has been appointed Capital Board as Directors and acknowledges Chief Delahanty as his designee.

Councilor Mael will lend support to people that want to go out and solicit signatures and will get legal advice on how people will have their fair say on this matter.

Councilor Mael will send ground rules to Matt Marano about obtaining signatures.

Lauren Craig-Resident at 235 Court Rd. has concerns on why the license agreement on the towns property is going to the Rules and Ordinance as she has safety work to be done.

Christan Power-Question on Survey being done.

David Reynolds-Other communities have voted, why can't Winthrop.

NEW BUSINESS

Councilor Mael motions to authorize the Rules and Ordinance Committee to accept agreement on 235 Court Rd. and have it signed by all councilors.

2nd Councilor Sanford

Motion Passes

Passed Unanimously

Councilor Boncore explains to Lauren Craig (235 Court Rd.) he will expedite decision.

Councilor Boncore makes motion that council go into Executive Session in accordance with Rule 3 of the Winthrop Town Council Rules to discuss the best strategy to go into collective bargaining.

2nd by Councilor Powers

Council will return to regular meeting to vote on contract and adjourn only.

Roll call to vote go into executive session passed unanimously

Council goes into executive session at 9:05

Return to Regular Meeting

*Councilor Powers motions to Accept Fire Department Contract as Settled.
2nd. Councilor Varone*

7-Yes 1-No (Councilor Mael).
Councilor Letterie Absent

**Motion to adjourn by Councilor Powers
2nd. by Councilor Sanford
Motion Passes Unanimously**

Meeting Adjourned at 9:30 PM

A DVD of this meeting is available from WCAT
Public Documents used in the meeting are available at Town Managers Office.

Documents Used in this Meeting:

Hand Written Notes
Committee Openings Documents
Roll Call Log
Written Motions / Verbal Motions

Respectfully submitted.
Town Council Clerk
Denise Quist